

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



Houston Division

Troy D. Jones

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Herbert Gilbert, Camilla Viator, Bill Parten
In Their Official Capacities

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

United States District Court
Southern District of Texas
FILED

SEP 08 2020

David J. Bradley, Clerk of Court

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Troy Jones		
Address	313 North Woodrow		
	Madisonville	Tx	77864
	City	State	Zip Code
County	Madison		
Telephone Number	(832)884-5409		
E-Mail Address	redneck8635@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Herbert Gilbert		
Job or Title (if known)	Chief of Police		
Address	210 West Cottonwood		
	Madisonville	Tx	77864
	City	State	Zip Code
County	Madison		
Telephone Number	(936) 348-2748		
E-Mail Address (if known)	Herbert.Gilbert@madisonvillepd.net		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Camilla Viator		
Job or Title (if known)	City Mananger		
Address	210 West Cottonwood		
	Madisonville	Tx	77864
	City	State	Zip Code
County	Madison		
Telephone Number	(936) 348-2748		
E-Mail Address (if known)	Camilla.Viator@ci.madisonville.tx.us		
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name Bill Parten
 Job or Title *(if known)* Mayor
 Address 210 West Cottonwood
Madisonville Tx 77864
City State Zip Code
 County Madison
 Telephone Number (936) 348-2748
 E-Mail Address *(if known)* _____

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name _____
 Job or Title *(if known)* _____
 Address _____

City State Zip Code
 County _____
 Telephone Number _____
 E-Mail Address *(if known)* _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? freedom to redress grievances to the governemnt

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Chief Gilbert in the prescence of and without denial or intervention from Camilla Viator and Bill Parten , denied me a meeting that I requested to redress a grievance concerning illegal actions by the Code Enforcement Officer (penal code violations) . Neither defendant gave an oppurntunity to redress the grievance.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
COuncil Chambers, City Hall , Madisonville Texas
-

- B. What date and approximate time did the events giving rise to your claim(s) occur?
August 24th, 2020
1830 hours
-

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
I was told that I was denied a meeting with the Police Chief to speak to him concerning the actions of an employee. The Police Chief in the prescence of the entire City COuncil, City Manager, Finance Director and City Secretary spoke and asked my name, then stated the meeting I requested was denied and he wasn't concerned with what I had to say.
The City Manager is in Charge of the Police Chief and did not intervene to offer a Meeting, as well as the Mayor did not either.
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No Injuries

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Punitive Damages of the amount of a minimum of \$5,000.00 per Defendant .

All Defendants are trained as prescribed by the State of Texas to hold public office. The Chief of Police is a veteran police officer of over 25 years and is well versed in Rights of Citizens. All defendants have to attend continuing education for the Public Administration and this continuing education teaches Constitutional Laws concerning citizens rights (State and Federal).

Chief Gilbert has to attend (by law) training on a Bi-Annual Basis to keep State License and Certification.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/02/2020

Signature of Plaintiff

Printed Name of Plaintiff


Troy D. Jones

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address